

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES A. BATTLE, JR.,

Plaintiff,

v.

DAVID HAYNES, *et al.*

Defendants.

Case No. C09-818-RAJ

**ORDER GRANTING DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT AND DENYING
PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

The Court, having reviewed plaintiff's amended complaint, the motion for summary judgment of defendants Mitchell, Dunlap and Lund, plaintiff's motion for partial summary judgment, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, the Plaintiff's objections and the Defendants' response thereto, the Plaintiff's further objections and the Defendants' surreply thereto, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) Defendants' motion for summary judgment (Dkt. No. 105) is **GRANTED**.
- (3) Plaintiff's motion for partial summary judgment (Dkt. No. 92) is **DENIED**.

ORDER GRANTING DEFENDANTS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT - 1

1 (4) Plaintiff's amended complaint (Dkt. No. 15) and this action are **DISMISSED**
2 with prejudice as to defendants Mitchell, Dunlap, and Lund.

3 (5) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
4 defendants, and to Judge Tsuchida.

5 DATED this 16th day of March, 2011.
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10 The Honorable Richard A. Jones
11 United States District Judge
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